



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 19  
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APR 08 2004

In re Application of:  
Franz, et al.  
Application No. 09/493,507  
Filed: January 28, 2000  
For: INDEXING WITH TRANSLATION  
MODEL FOR FEATURE REGULARIZATION

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2600  
DECISION  
ON PETITION

This is a decision on the January 5, 2004 Request for Reinstatement. The petition is being treated under 37 CFR 1.8(b) to withdraw the holding of abandonment.

*The petition is granted.*

This application became abandoned for failure to timely file a response to the January 13, 2003 Office action, which set a shortened statutory period of three (3) months to reply. That period lapsed without reply, rendering this application abandoned as of April 13, 2003. A Notice of Abandonment was mailed on November 3, 2003.

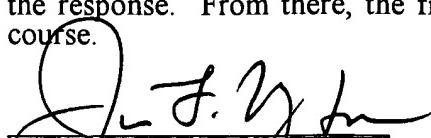
Petitioner alleges to have timely filed a response to the Office action. To support this position, Petitioner has included with this petition a copy of the reply, which consisted of an amendment, petition and fee for extension, change of correspondence address, all of which bear a proper certificate of mailing under 37 CFR 1.8(a).

37 C.F.R. § 1.8(b) states that in the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence,
- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate, and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition meets the requirements set forth above. Petitioner's submission does not contain a statement which attests on a personal knowledge basis of the previous timely mailing. However, given that the Petitioner signed the certificate of mailing, the personal knowledge statement will be considered as having been met. Accordingly, the Notice of Abandonment is vacated and the holding of abandonment withdrawn.

The application will be forwarded to the Technology Center's technical support staff for entry of the response. From there, the file will be forwarded to the examiner for consideration in due course.

  
Mark R. Powell, Director  
Technology Center 2600  
Communications